

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE, State Bar No. 91740
Supervising Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5556
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2008-155

11 CAROL JANE SCANLON
19 Timothy Avenue
12 Kendall Park, New Jersey 08824

OAH No.

A C C U S A T I O N

13 and

14 2730 44th Avenue
San Francisco, California 94116

15 Registered Nurse License No. 620046

16 Respondent.
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19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely
22 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 2. On or about June 20, 2003, the Board of Registered Nursing issued
25 Registered Nurse License Number 620046 to Carol Jane Scanlon (Respondent). The Registered
26 Nurse License was in full force and effect at all times relevant to the charges brought herein and
27 will expire on April 30, 2009, unless renewed.

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or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

“(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

. . .
8. Section 490 of the Code states:

“A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation

1 and enforcement of the case.

2 **FIRST CAUSE FOR DISCIPLINE**

3 **(Conviction of a Crime)**

4 10. Respondent is subject to disciplinary action under Business and
5 Professions Code sections 490 and 2761(f) in that respondent was convicted of a crime
6 substantially related to the qualifications, functions, and duties of a registered nurse. The
7 circumstances are as follows:

8 a. On or about July 28, 2006, in a criminal proceeding entitled People of the
9 State of California v. Carol J. Scanlon in the Superior Court of California, County of San
10 Francisco, Case Number 2199174, the respondent was convicted by her plea of guilty for
11 violating Vehicle Code section 23153(a) (Causing Bodily Injury While Driving under the
12 influence), misdemeanor.

13 b. On or about January 13, 2005, a criminal complaint was filed in San
14 Francisco County Superior Court charging the respondent for committing the crimes of: (1)
15 Driving Under the Influence and (2) Causing Bodily Injury While Driving under the influence.

16 c. On or about July 28, 2006, the respondent was placed on probation for a
17 period of three years and her driver's license was suspended. She was ordered to serve 60 days in
18 the county jail, ordered to pay out of pocket restitution to the victims, ordered to pay a \$1384.00
19 fine, a \$100.00 restitution fine, and a \$20.00 security fee.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Use an Alcoholic Beverages to an Extent or in a**
22 **Manner Dangerous or Injurious to Herself or Others)**

23 11. Respondent is subject to disciplinary action under Business and
24 Professions Code section 2761(a) on the grounds of unprofessional conduct, as defined by
25 section 2762(b), in that on or about January 9, 2005, Respondent used alcoholic beverages to an
26 extent or in a manner dangerous or injurious to herself or others, as set forth in paragraph 10,
27 above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Conviction of Crimes Involving Alcoholic Beverages)**

3 12. Respondent is subject to disciplinary action under Business and
4 Professions Code section 2761(a) on the grounds of unprofessional conduct, as defined by
5 section 2762(c), in that Respondent was convicted of a crime involving the consumption of
6 alcoholic beverages, as set forth in paragraph 10, above.

7 **PRAYER**


8 WHEREFORE, Complainant requests that a hearing be held on the matters herein
9 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 620046, issued
11 to Carol Jane Scanlon.

12 2. Ordering Carol Jane Scanlon to pay the Board of Registered Nursing the
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
14 Professions Code section 125.3;

15 3. Taking such other and further action as deemed necessary and proper.

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17 DATED: 11/9/07

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20 
21 RUTH ANN TERRY, M.P.H., R.N.
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant

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